



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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### Los Angeles Regional Water Quality Control Board

### Minutes of June 5, 2003 Regular Board Meeting held at

### City of Simi Valley Council Chambers, 2929 Tapo Canyon Road

### Simi Valley, California

#### INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:05am.

#### Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, R. Keith McDonald, Brad Mindlin, and H. David Nahai

Board Member Buckner-Levy left before Item 17.

#### Board Members Absent

Christopher Pak and Tim Shaheen

#### Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Ronji Harris, Michael Lauffer, Jack Price, Steve Cain, Jenny Newman, Laura Gallardo, Jon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen, Kwang Lee, Melinda Becker, Renee DeShazo, Ginachi Amah, Mazhar Ali, Cassandra Owens, Veronica Cuevas-Apulche, Dionisia Rodriguez, Raymond Jay, Namiraj Jain, Jau Ren Chen, Don Tsai, Tony Rizk

#### Others Present

Craig Johns, California Resource Strategies/  
Calleguas Watershed Association  
Steve Fleischli, Santa Monica BayKeeper  
Mark Gold, Heal the Bay  
Bruce Douglas, Questa Engineering Corporation  
Robert Westdyke, Camarillo Sanitary District  
Council Member Glen Becerra, Simi Valley

Margaret Nellor, Los Angeles County  
Sanitation Districts

George Harrison et al, Tujunga  
Watershed Stakeholders  
Mike Schultz, US EPA  
Damon Wing, Ventura CoastKeeper  
Melissa Thorne, Downey, Brand  
Nicole Granquist, Downey, Brand  
Mark Zirbel, City of Thousand Oaks and  
Ojai Valley Sanitary District  
Vicki Conway, Los Angeles County  
Sanitation Districts

3-1

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Martha Rincon, Los Angeles County  
Sanitation Districts  
Chris Daste, City of Santa Clarita  
Susan Paulsen, Flow Science, representing  
LA County DPW, CSDLAC, CPR, CICWQ  
Gerry Greene, Executive Advisory Committee

Susan Damron, LA Department of Water and Power  
Laura Magelnicki, City of Simi Valley  
Santos Marquez, City of Thousand Oaks  
Mike Schultz, US EPA  
Ronald Sheets, Ojai Valley Sanitary District  
Barbara Cameron, City of Malibu  
Kimberly Colbert, City of Rolling Hills Estates,  
Palos Verdes Estates, City of Bell, Norwalk  
and Hidden Hills  
Jinderdal Bhandal, City of Los Angeles  
Joy Krejci, LA County Department of Public Works  
Theresa Jordan

Sharon Green, Los Angeles County  
Sanitation Districts  
John Correa, Ojai Valley Sanitary District  
Clayton Yoshida, City of Los Angeles,  
Bureau of Sanitation  
Daniel J Lafferty, LA County Department  
of Public Works  
Eliza Bartner, Santa Monica BayKeeper  
Glen Becerra, City of Simi Valley  
Karrie Field, Kinder Morgan  
Carlos Reyes, Las Virgenes MWD  
Jacqy Gamble, Las Virgenes MWD  
Matt Bequette, City of Los Angeles  
Debi Schultze, representing  
Assemblyman Keith Richman

Paul Costa, Boeing Corporation  
Wendy LA, LA County DPW

### Pledge of Allegiance

1. Roll Call

*A roll call was taken.*

2. Order of Agenda.

*The Executive Officer made the following changes to the agenda:*

- *Staff would give a joint presentation for Items 10, 11, and 12.*

*There was a motion to approve the changes to the agenda.*

**MOTION:** By Board Member Nahai, seconded by Board Member Mindlin, and approved on a voice vote. No votes in opposition.

3. Approval of Minutes for Minutes for April 3, 2003.

*The Board moved to adopt the minutes with a correction to the Board Member Communications and Ex Parte Disclosure section.*

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MOTION: By Vice Chair Diamond, seconded by Board Member Mindlin, and approved on a voice vote.

4. Board Member Communications and Ex Parte Disclosure

*Board Member Mindlin met with the Mayor of Los Angeles and talked in general about water quality issues.*

*Chair Cloke reported that she spoke at the Ocean Day Event and at the dedication of the Playa Vista Freshwater marsh. She reported on a series of meetings she had with the City of Malibu about wastewater treatment issues. She also had a meeting with the president of the Los Angeles chapter of the American Institute of Architects to discuss the Water Quality Awards and a meeting with Jim Stahl to discuss chloride issues.*

*Vice Chair Diamond reported that she and Board member Nahai had a meeting with the president of the Los Angeles Chamber of Commerce.*

5A. Executive Officer's Report

*The Executive Officer updated the Board on the Perchlorate Public Advisory Group held in May, read a letter from Los Angeles District Attorney Delgadillo commending the Regional Board's work in Sun valley, discussed a recent staff tour of Hansen Dam, reported on Malibu City Council's recent action to apply for grants for a wastewater treatment plant in the Civic Center, reported on the EO and Chair Cloke's trip to the Joint plant outfall, reviewed the EO's recent speech given to the Malibu chapter of the Surfrider Foundation, discussed a recent PEW study on Ocean water quality, reported on an award presented to the Los Angeles City, Bureau of Sanitation's "Grease Avenger" program, and discussed the upcoming Water Quality Awards to be held on October 23, 2003.*

5B. Sustained Superior Accomplishment Award Presentation

*Cassandra Owens received the Sustained Superior Accomplishment Award for her outstanding work in the Industrial Watershed Regulatory unit.*

6. Public Forum

*Rich Harrison, Tujunga Watershed Stakeholders, introduced the members of the stakeholder group and gave a brief presentation on their concerns regarding the Army Corps of Engineers' activities at Hansen Dam.*

*Board Member McDonald offered to set up a call with Colonial Thompson from the Army Corps of Engineers to discuss their concerns.*

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*Bruce, Douglas, Questa Engineering, representing the City of Malibu, gave an update on the City's risk assessment and groundwater study funded by the Coastal Conservancy and administered through the Santa Monica Bay Restoration Foundation.*

7. Uncontested Items

*The Board adopted the following items on the consent calendar: 8.1, 8.4, 8.5, 9.1, 9.2, and 15.*

**MOTION:** By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

- 10.1,10.2, NPDES Permit renewal and issuance of Time Schedule Orders (TSOs) for  
11.1,11.2, Camarillo Sanitary District (Camarillo Water Reclamation Plant), City of Simi  
12.1, &12.2 Valley (Simi Valley Water Quality Control Plant), and City of Thousand  
Oaks (Hill Canyon Wastewater Treatment Plant)

*Blythe Ponck Bacharowski gave a joint presentation for the above three permit renewals and TSOs. She presented background on the Calleguas Creek Watershed and the treatment processes at the three facilities. The revised permits incorporated the waste load allocations specified in the Regional Board Calleguas Creek Nutrient TMDL and the EPA Chloride TMDL. Ms. Bacharowski updated the Board on the plants' nitrification/denitrification upgrade schedules in order to comply with the nutrient TMDL. She reviewed the beneficial uses of the receiving waters and then identified the major changes to the revised permits, went over the compliance history, and discussed the unresolved issues with the dischargers. She then discussed the reasons for the TSOs and the TSO provisions. The TSOs provide interim limits for ammonia and chloride at all three plants, and nitrate plus nitrogen and Bis(2-ethylhexyl)phthalate at the Cammarillo and Thousand Oaks plants. She added that the Board had recently adopted a resolution allowing compliance schedules in NPDES permits, but until State Board, OAL, and EPA approved that action, the Board would have to continue to issued TSOs in order to allow compliance schedules.*

Comments on Items 10.1 and 10.2

*Mike Schultz, USEPA, spoke in support of the proposed permits and commended staff on the CTR-based effluent limits, consistency with CTR-SIP, the implementation of the nitrogen and chloride TMDLs, and whole effluent toxicity implementation.*

*Nicole Granquist, representing the City of Camarillo, stated that there was no reasonable potential analysis for the effluent limits. She asked that the groundwater limits imposing secondary MCLs be removed and revised to only implement primary MCLs. She stated that inclusion of the Bis(2-ethylhexyl)phthalate limit was based on one data point that Camarillo felt was caused by interference. She stated that the chloride TMDL needed to be adopted in the Basin Plan before it could be implemented by these*

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*permits. Finally, she asked that the numeric chronic toxicity limits be tabled until the State Board made a decision on similar CSDLAC permits adopted by the Board in July. She also questioned the applicability of the REC-I beneficial use designation.*

*Steve Fleischli, Santa Monica BayKeeper, agreed with the Regional Board that numeric targets for chronic toxicity must be included in the permits to be consistent with CTR/SIP. He advised against leaving them out until State Board's decision on the CSDLAC permits. He then pointed out how high he felt the nitrate plus nitrite limits were when compared to other plants such as Tapia.*

*Robert Westdyke, Assistant District Manager, Camarillo Sanitary District, stated that the reason the nitrate plus nitrite limits were so high was because the plant was already removing ammonia through nitrification, a process which leads to high nitrate and nitrite levels. He stated that Camarillo was committed to meeting the nutrient TMDL schedule.*

*Mark Gold, Heal the Bay, supported numeric chronic toxicity targets. He stated that these limits were a safety net to protect aquatic life. He reminded the Board that they were giving dischargers a break by including ammonia in the TSO because without it they would be in violation of the Basin Plan limits that have been in effect for almost a year. He commented on the high nitrate plus nitrite interim limits as well. He then stated that the hearing on these permits was an inappropriate time to discuss beneficial uses.*

*Craig Johns, on behalf of Calleguas Creek Watershed Association, asked that the permit acknowledge the fact that stakeholders were working cooperatively with the Regional Board to establish a Regional Board chloride TMDL to replace the EPA TMDL now in effect. He felt that the permit should not include numeric limit of 150 mg/L for chloride until the stakeholder studies and the Regional Board TMDL were completed.*

*Damon Wing, Ventura CoastKeeper, generally supported the permits, especially their compliance with CTR. He had concerns with comments from the permittees regarding numeric limits for chronic toxicity. He also felt that the nitrate plus nitrite limits were high and should not be based on the maximum level observed.*

*Melissa Thorne, representing Camarillo, objected to a separate TSO and the lack of a compliance schedule in the permit. She felt that limits should not be carried over from the previous permit without a reasonable potential analysis, that groundwater limits should not be based on conditional MUN, and that there shouldn't be daily maximum limits where there was no specific evidence to show impracticability. She suggested that narrative language be added stating that the chronic toxicity limit would be included only if State Board upheld the limits in the LA County Sanitation District permits.*

#### Board Questions

*Board Member McDonald asked how staff considered antibacksliding in the permits.*

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*Ms. Bacharowski replied that the issue was with the groundwater recharge and Title 22 limits that carried over from previous permits. She stated that the Basin Plan specifically prohibits constituents in the groundwater in concentrations above Title 22 limits. She stated that the Basin Plan also speaks to secondary MCLs and that permits in the past had included primary and secondary MCLs and even action levels for groundwater. She added that the dischargers do not monitor groundwater at every reach of the river where there was discharge and until they could prove no impact to groundwater, end of pipe limits should apply.*

*Board Member Nahai asked if Ms. Thormes suggestion for automatic language in the permit regarding State Board's decision on toxicity issues was feasible.*

*Michael Lauffer, Staff Counsel, replied that such language was a potential possibility from a legal standpoint but that he would not recommend conceding that State Board might not uphold the Regional Board's approach for numeric chronic toxicity.*

*Board member Nahai asked about the Nutrient TMDL compliance dates and for staff to respond to Mr. Johns request to not include the 150 mg/L chloride limit in the permits.*

*Veronica Cuevas-Apulche, Municipal Watershed Regulatory Unit replied that the ammonia compliance date was October 2004 and the nitrate plus nitrite date would be four years from EPA adoption of the TMDL. She stated that the 150 mg/L must be included in the permit in order to comply with the TMDL.*

*Michael Lauffer added that as soon as an EPA TMDL is adopted, it must go in permits, even without an implementation plan.*

*Vice Chair Diamond asked why the nitrate plus nitrite interim limits were so high.*

*Ms. Ponek-Bacharowski replied that the interim limits were performance based. She stated that the dischargers planned to meet the final limits using nitrification/denitrification.*

*Vice Chair Diamond asked if there were other means of achieving the final limits and if the permit encouraged such means.*

*Ms. Ponek-Bacharowski replied that the dischargers could implement reclamation, diversion, reuse, etc., but that there was nothing in the permit to encourage these approaches.*

*Ms. Cuevas-Apulche added that the TMDL only specifies that the limits must be achieved in "up to" four years from EPA adoption of the TMDL, and that the TSOs could specify shorter compliance schedules.*

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*Debbie Smith, Assistant Executive Officer, added that the dischargers wouldn't incrementally decrease their nitrate plus nitrite discharge. She stated that once they installed the nitrification/denitrification systems, the discharge would decrease all at once.*

*Board Member Mindlin asked why the Board could not put compliance schedules in the permits with footnotes saying that they were contingent upon State Board, OAL, and EPA approval of the recent Regional Board compliance schedule policy.*

*Michael Lauffer replied that the compliance schedule policy was not far enough along in the approval process to do this. He added that recently adopted policy was very narrow, and most of the constituents in these permits would not meet the requirements for the inclusion of compliance schedules in the permits.*

*Ms. Cuevas-Apulche added that the only constituent that might eligible under the compliance schedule policy would be chloride but that the chloride waste load allocation in the TMDL was not a new standard or a newly interpreted standard.*

*Vice Chair Diamond asked Mr. Westdyke how long it would take to achieve the final nitrate plus nitrite limits.*

*Mr. Westdyke said that they would examine other alternatives to nitrification/dentrification and that they would not wait until the last possible day to be in compliance.*

*Vice Chair Diamond asked for regular updates on the status of compliance.*

*There was a motion to adopt Staff's recommendation for items 10.1 and 10.2 with the changes in the change sheet and including footnote 3 in the TSO.*

**MOTION:** By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

#### **Comments on Items 11.1 and 11.2**

*City of Simi Valley Council Member Bacera asked the Board to postpone adoption of the permit until the Compliance Schedule Policy was approved by State Board and OAL. He stated that the 150 mg/L chloride limit in the permit was not supported by science and resulted in unreasonable costs. He added that the City of Simi Valley was participating on the work plan for a watershed approach to the TMDL as well.*

*Steve Fleischli, commented that with regard to Items 11 and 12, the 1996 and prior permits actually had nitrate plus nitrite limits of 10 mg/. He stated that a compliance schedule in that context, where you would be putting an interim limit in a permit greater than the limit in a prior permit, would violate antibacksliding provisions.*

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*Damon Wing suggested the use of biofiltration to reduce nitrogen loads.*

*Melissa Thorne, representing the City of Simi Valley, asked that footnote 3 included in the Camarillo TSO be included in the Simi Valley TSO as well. She objected to daily maximum limits for the TSO. She added that the main groundwater aquifer in Simi routinely exceeds TDS and sulfate limits and would therefore qualify as an exception to Board Resolution 83-63, which defers to the drinking water policy.*

#### Board Questions

*Chairperson Cloke asked staff to respond to comments.*

*Blythe Ponek-Bacharowski stated that 150 mg/L limit was in the old permit. The new permit has limits based on waste load allocations set forth in the USEPA TMDL. She added that groundwater recharge was a beneficial use in the area and that trumps sources of drinking water standards. She stated that it would be no problem to include footnote 3 in the TSO.*

*Michael Lauffer added that the sources of drinking water regulation applies to natural sources and that the elevated levels in this area are due to anthropogenic sources.*

*There was a motion to adopt staff's recommendation for Items 11.1 and 11.2 with the changes in the change sheet and with an added footnote 3 in the TSO.*

**MOTION:** By Vice Chair Diamond, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

#### Comments on Items 12.1 and 12.2

*Mark Zerbel, City of Thousand Oaks, incorporated the comments from Items 10 and 11. He acknowledged the work of staff and emphasized that the Calleguas Creek JPA was committed to working with the Regional Board.*

*There was a motion to adopt staff's recommendation for Items 12.1 and 12.2 with the changes in the change sheet and with an added footnote 3 in the TSO.*

**MOTION:** By Board Member Buckner-Levy, seconded by Board Member Nahai, and approved on a voice vote. No votes in opposition.

#### 17. Ballona Creek Use Attainability Analysis (UAA)

*Jon Bishop, Chief, Regional Programs Section, gave an introduction of the item. He explained that the purpose of the UAA was to ensure that the Basin Plan accurately reflected actual beneficial uses. He pointed out that Ballona Creek was the first concrete*

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*lined creek chosen for a UAA as suggested in the Regional Board's triennial review. He then discussed the process for assessing beneficial uses.*

*Ginachi Amah, reviewed the components of the beneficial use assessment. She discussed each of the three reaches of the Creek. She stated that the assessment considered the proximity of the creek to homes and recreational facilities and the water levels along the creek during wet and dry conditions. She then reviewed the results of the recreational use study, which found that there was no contact recreation in Reach 1 and limited contact recreation in Reach 2, where swimming was constrained and there was little risk of ingestion.*

*Jon Bishop then reviewed the four alternatives before the Board. He gave staff's recommendation for the re-designation of Reach 1 and Reach 2 from contact recreation (REC-1) to non-contact recreation (REC-2) and limited contact recreation (L-REC-1), respectively.*

*Mike Schultz, US EPA supported staff's recommendation and stated that the UAA fully addressed all of EPA's requirements for analysis.*

*Gerry Green, representing the Executive Advisory Committee, expressed his appreciation for staff's effort and asked for clarification on whether the new designation would be a potential designation or not.*

*Susan Paulson, representing LA County Department of Public Works, County Sanitation Districts of Los Angeles County, Coalition for Practical Regulation, and Construction Industry Coalition on Water Quality, strongly supported staff's recommendation as a first step. She asked if the fishing component of the revised BU would limit CTR limits.*

*Steve Fleischli, Santa Monica BayKeeper, opposed staff's recommendation. He expressed concern about the Board's vision of urban streams for the future. He stated that by accepting staff's proposal, the Board would be discouraging river restoration. He felt that staff's analysis did not comply with the requirements of 40 CFR 131.10 g (2).*

*Clayton Yoshida, City of Los Angeles Bureau of Sanitation, stated that he strongly supports the UAA process. He preferred the temporary removal of REC-1 from Reaches 1 and 2 until the Ballona Watershed Task Force Management plan was released. He also asked that the uses be designated as potential and not existing.*

*Mark Gold, Heal the Bay, opposed staff's recommendation. He stated that it would set bad precedent of unequal protection and give incentive to dischargers to de-designate other inland waters and to channelize creeks in order to avoid REC-1. He added that under the tributary rule, the upper reaches of the creek must be protected in order to attain REC-1 in Reach 3, and therefore, the only benefit to dischargers would be the setting of bad precedent.*

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*Daniel Lafferty, Los Angeles County Department of Public Works, supported the UAA and expressed appreciation for staff's efforts.*

#### Board Questions

*Board Member Mindlin asked staff to explain the Ballona task Force and asked if staff's proposal was premature in light of the upcoming plan.*

*Jon Bishop replied that it depended on what the management plan would do. He stated that the timing of this UAA was based on the upcoming bacteria TMDL required for the creek. He added that he did not see how the designation would be a disincentive for restoration efforts.*

*Vice Chair Diamond thought the timing of the UAA was bad and stated that she was not comfortable with it at this point. She asked about the State Board project for the creek.*

*Mr. Bishop replied that the State had made Proposition 13 money available for the management plan to be developed by the Ballona Task Force.*

*Board Member Mindlin stated that he also felt the timing of the UAA was bad and that the TMDL should not dictate the development of the UAA.*

*Board Member McDonald felt that staff's recommendation was fair but asked staff to explain their study and findings in more detail.*

*Mr. Bishop replied that the study consisted of field work, user surveys, and task force surveys.*

*Board Member Nahai stated that he understood that TMDLs had to be adopted and that costs had to be considered. On the other hand, he stated that protection would have to be put in place upstream to protect the beneficial uses downstream and the result would be scant economic advantage to the dischargers. He stated that the language in the UAA indicates that the Board would be setting precedent for other water bodies. He also felt that the UAA would send a message of abandonment of hope of river restoration.*

*Jon Bishop replied that the goal of the UAA was not to provide dischargers relief but to make the Basin Plan more accurate.*

*Chair Cloke asked if staff had spoken with the Trust for Public Land about plans for restoration.*

*Ms. Amah replied that she sent them e-mail, as she did to all members of the Ballona Creek Watershed Task Force, asking if they were aware of contact recreational activities in the creek. She stated she did not ask them about specific plans for restoration. She did speak with the City of Culver City, who*

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*were planning restoration efforts, but were not currently planning to remove any of the concrete lining.*

*Chair Cloke spoke about her views on the UAA and for the future of the creek. She spoke about the importance of open recreational space, of stormwater capture and groundwater recharge, and of the Board's role in protecting and restoring waters. She stated that she felt that de-designating REC-1 uses was the wrong decision at this time.*

*The Board and staff then discussed how the water quality objectives would change with de-designation, but how water quality downstream would be protected the same.*

*The Board discussed whether to vote no on staff's recommendation or whether to table the vote until the Ballona Task Force study was completed.*

*There was a motion to reject staff's recommendation.*

**MOTION:** By Vice Chair Diamond, seconded by Board Member Nahai, and approved on a voice vote. Chair Cloke, Vice Chair Diamond, and Board Member Nahai voted in favor of the motion. Board Members McDonald and Mindlin voted against the motion.

14. NPDES Permit renewal and issuance of Time Schedule Order (TSO) for Ojai Valley Sanitary District

*Blythe Ponek-Bacharowski waived the staff report but reviewed the change sheet.*

*Mark Zirbel, Ojai Valley Sanitary District, asked that the comments from the Camarillo Item be incorporated into the record.*

*There was a motion to approve staff's recommendation with the changes in the change sheet.*

**MOTION:** By Board Member Nahai, seconded by Board Member Diamond, and approved on a voice vote.

15. NPDES Permit renewal and issuance of Time Schedule Order (TSO) for County Sanitation Districts of Los Angeles County (Saugus Water Reclamation Plant).

*Blythe Ponek-Bacharowski gave the staff presentation. She discussed background on the facility, including its capacity, tertiary treatment of wastewater, its nitrification/denitrification treatment progress, and compliance history. She then discussed the beneficial uses of the receiving water, especially groundwater and potential municipal. She then discussed major changes to the permit, including CTR limits, reasonable potential analysis, nitrate plus nitrite limits, and other additional limits. She then discussed the need for a TSO. The discharger need time to comply with ammonia, nitrate plus nitrite, chlorine, and toxicity limits and time to complete site specific objective studies.*

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*Margaret Nellor, County Sanitation Districts of Los Angeles, reiterated the Districts' request to postpone the hearing for this permit until the Board heard the Valencia permit, and to allow time to pursue a variance for chlorine. She also requested the permit be postponed until there was an alternative dispute resolution for the chlorine standard and to allow Board staff time to make 30 technical corrections that the Districts felt needed to be made.*

*Vicki Conway, County Sanitation Districts of Los Angeles, incorporated by reference the testimony of Nicole Granquist and Melissa Thorme on Items 10.1 to 12.2. She then began to identify the 30 requested changes.*

*Chair Cloke asked Ms. Conway why these questions had not been asked in a timely manner and why they had not discussed these issues with staff.*

*The Board and Counsel discussed how to address the numerous comments presented by the Districts, then decided to continue the item to the July meeting and require Ms. Conway to give a copy of her comments to staff.*

### 8.3. Los Angeles Department of Water and Power Harbor Generating Station

*This item was continued to the July Board meeting.*

#### Adjournment of Current Meeting

The meeting adjourned at 6:20 pm. The next regular meeting is scheduled for July 10, 2003, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles at 9:00 a.m.

Minutes adopted at the \_\_\_\_\_ Regular Board meeting  
submitted/amended.

Written and submitted by: \_\_\_\_\_.

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